

REMARKS

In the outstanding office action, claims 1-12 were presented for examination. The claims were restricted as follows: group I (claims 1-5) and group II (claims 6-12). In response to the restriction requirement, Applicant elects with traverse group I, which corresponds to claims 1-5. Claims 1-5 were rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 5,183,591 issued to Akahoshi et al.; United States Patent No. 4,569,786 issued to Deguchi; or Japanese Patent No. 62-013444 issued to Saito Nobuo.

Applicant respectfully traverses the restriction requirement. There are two criteria for a proper requirement for restriction: (1) the inventions must be independent or distinct as claimed; and (2) there must be a serious burden on the examiner. Applicant respectfully submits that searching the subject matter of groups I and II, as outlined in the outstanding office action, does not place a serious burden on the Examiner. Moreover, applicant respectfully submits that the groups are related and that the restriction requirement is improper. Thus, applicant requests withdrawal of the requirement for restriction with regard to groups I and II. If however, the restriction requirement is maintained applicants request and authorize the canceling of claims 6-12 corresponding to group II.

Applicant has amended the specification to update the continuing data appearing at page 1. More specifically, the specification has been amended to indicate that United States Patent Application serial no. 09/832,239 filed April 10, 2001, of which this current application is a divisional, has issued as United States Patent no. 6,685,854.

Applicant has amended the claims to merely make explicit that which was implicit in the claims as filed. More specifically, the preamble of claim 1 has been amended to replace --molded article-- with “fuel filter housing”, and the body of claim 1 has been amended to insert “configured to shape a fuel filter housing structure” after --mold-- on line 4 and to replace --article-- on lines 15 and 17. Support for this amendment is clearly found in the specification and drawings of the present application thus no new

matter has been added.

Claim 1 has been amended to include the limiting steps of “injecting a flowable mixture into a mold cavity having formed within a hollow mold configured to shape a fuel filter housing structure,” “curing the polymer in the hollow mold to form a molded fuel filter housing structure,” and “ejecting the molded fuel filter housing structure from the mold,” which applicant respectfully submits are clearly not shown, disclosed or taught by the Akahoshi et al., Deguchi, or JP 62-13444 references.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, “[t]he identical invention must be shown in as complete detail as is contained in the * * * claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

To anticipate a claim under 35 U.S.C. § 102, a single source must contain all of the elements of the claim. *Lewmar Marine Inc. v. Barient, Inc.*, 827 F.2d 744, 747, 3 U.S.P.Q.2d 1766, 1768 (Fed. Cir. 1987), *cert. denied*, 484 U.S. 1007 (1988).

Accordingly, applicant respectfully submits that claim 1 is allowable over the Akahoshi et al., Deguchi, and JP 62-13444 references as those references fail to teach or disclose injecting a flowable mixture into a mold cavity having formed within a hollow mold configured to shape a fuel filter housing structure, curing the polymer in the hollow mold to form a molded fuel filter housing structure, or ejecting the molded fuel filter housing structure from the mold. Accordingly, claim is believed to be allowable over Akahoshi et al., Deguchi, and JP 62-13444.

Claims 2-5 depend from either directly or indirectly from claim 1. Accordingly, claims 2-5 are also believed to be in a condition for allowance for at least the same reasons as claim 1 in addition to including additional limitations.

New claim 13 has been added to more particularly point out an aspect of the present application and has been carefully drafted to avoid questions under 35 U.S.C. §112. Support for new claim 13 is at least found on page 4, line 15, and on page 6, lines 20-21, of the application as filed. Thus, no new matter has been added.

In view of the above amendments and the discussion relating thereto, it is respectfully submitted that the present application is in condition for allowance. Such action is most earnestly solicited. If for any reason the Examiner feels that consultation with Applicants' attorney would be helpful in the advancement of the prosecution, the Examiner is invited to call the telephone number below for an interview.

If there are any charges due with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130, maintained by the applicant's attorney.

Respectfully submitted,

By: 

Christopher C. Boehm
Reg. No. 41,624

Date: June 30, 2005
Telephone: (248) 524-2300
Fax: 248-524-2700